

JAMES E. BICKFORD
SECRETARY



MAR 14 2002

PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

March 11, 2002

CERTIFIED MAIL # 7099 1670 0007 9753 0963
7099 1670 0007 9753 0970
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

Mr. Gordon L. Dover, Paducah Manager of Projects
Bechtel Jacobs Company LLC
761 Veterans Avenue
Kevil, Kentucky 42053

RE: Unpermitted Storage of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Gentlemen:

Enclosed, is a Notice of Violation issued for failure to comply with 401 KAR 32:010, Section 2; 401 KAR 32:030, Section 5; 401 KAR 38:010, Section 4; KRS 224.46-510, KRS 224.46-520 and Part II of the facility's Hazardous Waste Management Permit.

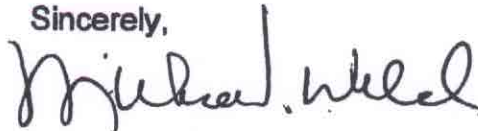


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Mr. W. Don Seaborg
Mr. Gordon L. Dover
Page 2
March 11, 2002

Please contact Mike Guffey at (502) 564-6716 if you have questions concerning this issue.

Sincerely,



Michael V. Welch P.E, Manager
Hazardous Waste Branch

MVW/mg

Enclosure – Notice of Violation

cc: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Robert Sleeman, ORO/DOE
David Tidwell, DOE
Randy McDowell, OLS
Virginia Baker, OLS
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, HWB-Paducah
DWM File# 101
DOE Reading File

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
March 11, 2002

NOTICE OF VIOLATION

TO:

United States Department of Energy
P.O. Box 1410

W. Paducah KY 42001

Attn: W. Don Seaborg Site Manager – Paducah DOE, Gordon Dover Paducah Manager of Projects - BJC

Site ID #: KY8-890-008-982

County: McCracken

Notifications/Complaints System #:

NOV Tracking #:

SITE:

Paducah Gaseous Diffusion Plant

P.O. Box 1410

W. Paducah KY 42001

Date(s) Violation(s) Observed: September 20, 2001
and March 5, 2002.

OLS Case #:

This is to advise that you are in violation of the provisions cited below:

KRS 224.46-510

KRS 224.46-520

401 KAR 32:010, Section 2

401KAR 32:030, Section 5

401KAR 38:010, Section 4

Part II of the PGDP Hazardous waste Permit

A description of the violation:

1. The U.S. DOE generated wastes as defined in 401 KAR Chapter 31. The U.S. DOE failed to characterize these wastes in violation of KRS 224.46-510 and 401 KAR 32:010, Section 2. These wastes have subsequently been managed in Solid Waste Management Units 287(DMSA C-333-31) and 355 (DMSA C-409-02).

2. Investigation, characterization, subsequent reporting and/or other available information regarding Solid Waste Management Units (SWMUs) #'s 287 (DMSA C-333-31)) and 355 (DMSA C-409-02) have identified hazardous waste(s) which have been stored greater than 90 days without a permit in violation of 401 KAR 32:030, Section 5, 401 KAR 38:010, Section 4, KRS 224.46-520 and Part II of the Hazardous Waste Management Permit.

The required remedial measure(s), and date(s) to be completed by; are as follows:

1. DOE shall submit amended SWMU Assessment Reports (SARs) for SWMUS 287 (DMSA C-333-31) and 355 (DMSA C-409-02) within one hundred and eighty (180) calendar days of the receipt of this notice. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit.
2. DOE shall submit a revised Part A Application to update the wastestreams for SWMUs 287 (DMSA C-333-31) and 355 (DMSA C-409-02) within thirty (30) calendar days of receipt of this notice.
3. DOE shall revise the closure plans for SWMUs 287(DMSA C-333-31) and 355 (DMSA C-409-02) to address the additional wastestreams discovered on 9/20/01 and 3/5/02 within one hundred and eighty (180) calendar days of receipt of this notice.
4. DOE shall cease the unpermitted storage of hazardous waste at all locations owned or operated by the DOE at the Paducah Gaseous Diffusion Plant immediately. All hazardous waste at the Paducah Gaseous Diffusion Plant must be managed in accordance with all applicable provisions of Chapters 30-38 of Title 401 of the Kentucky Administrative Regulations.

HENRY C. LIST
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY RD
FRANKFORT KY 40601-1190

November 12, 2002

CERTIFIED MAIL #7000 1670 0007 9753 1199
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

RE: Unpermitted Storage and Disposal of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Dear Mr. Seaborg:

Enclosed are Notices of Violation (NOVs) issued for failure to comply with KRS 224 and numerous waste management regulations promulgated pursuant to those statutes. Please contact me at (502) 564-6716 if you have questions.

Sincerely,

Robert H. Daniell
Director

Enclosures -- Notices of Violation (4)

c: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Randy McDowell, Office of Legal Services
Ron Gruzsky, Solid Waste Branch
Mergie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, Hazardous Waste Branch-Paducah
DOE Reading File



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COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

NOTICE OF VIOLATION

TO:

US DEPT. OF ENERGY
PO BOX 1410
5600 HOBBS ROAD
PADUCAH KY 420021410
Attn: MR. W. DON SEABORG, SITE MANAGER

Site ID #: KY8890008982

County: McCracken

Notifications/Complaints System #:

NOV Tracking #: 6916

SITE:

US DOE PADUCAH GAS DIFFUSION PLT
5600 HOBBS ROAD

PADUCAH KY 42001

Date(s) Violation(s) Observed: 07/09/2002

OIG Case #:

Enforcement Case #: DWM # 02143

This is to advise that you are in violation of the provisions cited below:

Statute/Regulation(No. 1): KRS 224.46-510(2) 401 KAR 32:010 2(2)

A description of the violation:

Failure to make a hazardous waste determination for wastes disposed of in SWMU 209, the C-746-S Solid Waste Landfill and SWMU 210, the C-746-T Solid Waste Landfill, by failure to determine if the waste is listed as a hazardous waste in 401 KAR 31:040, in violation of KRS 224.46-510(2) and 401 KAR 32:010(2)(2).

The required remedial measure(s), and date(s) to be completed by; are as follows:

US DOE shall submit amended SWMU Assessment Reports (SARs) for SWMU 209, the C-746-S Solid Waste Landfill and SWMU 210, the C-746-T Solid Waste Landfill. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit. To be completed by: 12/20/2002

Statute/Regulation(No. 2): KRS 224.46-520(1) 401 KAR 38:010 4

A description of the violation:

Disposal of hazardous waste in SWMU 209, the C-746-S Solid Waste Landfill and SWMU 210, the C-746-T Solid Waste Landfill, in violation of KRS 224.46-520(1) and 401 KAR 38:010(4), by disposal of hazardous waste without first notifying the cabinet and obtaining construction and operation permits from the Cabinet.

The required remedial measure(s), and date(s) to be completed by; are as follows:

US DOE shall submit the following information to the Cabinet:

- A map of the PGDP site delineating all areas (e.g., ditches, sumps, etc.) where US DOE has concluded that either listed or characteristic hazardous wastes have been discharged.
- An inventory of any and all wastes/media that have been removed from those areas in which US DOE has concluded that hazardous wastes have been discharged. This list shall include types and quantities of wastes/media removed, date of removed, method and location of storage and/or disposal.
- A listing of all drums and/or other storage receptacles, including but not limited to, low level or TSCA waste containers, currently stored on site, whereby US DOE considers the original waste determination to be suspect. This listing shall include all available information regarding the point of generation, date of generation and current storage locations of the waste.
- An inventory of all previous waste shipments off site whereby US DOE considers the original waste determination to be suspect. This list shall include a listing of the types and quantities of wastes disposed, the point of generation, date of generation, method of shipment, shipping manifests and all receipts of disposal.
- An inventory of all previous waste streams disposed of in any on site landfill(s), which US DOE considers the original waste determination to be suspect. This list shall include the point of generation for these wastes, date of generation, disposal location and date of disposal.

(f) Provide a detailed overview of the uses of TCE and TCA throughout the PGDP and all documentation associated with the management and disposal practices of TCE and TCA.
To be completed by: 12/20/2002

Statute/Regulation(No. 3): KRS 224 401 KAR 47:040 3(3) [1984]

A description of the violation:

Disposal of hazardous waste in a Solid Waste Landfill, in violation of KRS 224 and 401 47:040(3)(3), which states that no liquids or hazardous wastes shall be discharged to or placed in a landfill without obtaining a permit modification or a written variance from the Cabinet.

The required remedial measure(s), and date(s) to be completed by; are as follows:
US DOE shall submit to the Cabinet an Investigation and Corrective Action Work Plan for SWMU 9, the C-746 S Solid Waste Landfill and SWMU 10, the C-746-T Solid Waste Landfill. To be completed by: 01/06/2003

Statute/Regulation(No. 4): KRS 224 401 KAR 48:090 8

A description of the violation:

Disposal of hazardous waste in a Solid Waste Landfill, in violation of KRS 224 and 401 KAR 48:090(8), which states that the owner or operator of a contained landfill shall only dispose of wastes that (a) are not hazardous wastes regulated pursuant to 401 KAR Chapters 30 through 40, except for limited quantity hazardous wastes and exempt spill residues.

The required remedial measure(s), and date(s) to be completed by; are as follows:
See remedial measure for violation no. 3 (i.e., Investigation and Corrective Action Work Plan). To be completed by: 01/06/2003

Statute/Regulation(No. 5): KRS 224 401 KAR 47:040(3)1 [1984]&47:120.1

A description of the violation:

Failure to comply with the conditions of the Solid Waste Disposal Permit No. 00073.15, including the inert landfill plans approved in February 1985 for the C-746-T Solid Waste Landfill, in violation of KRS 224, 401 KAR 47:040(3)(1) [1984] and 401KAR 47:120(1).

The required remedial measure(s), and date(s) to be completed by; are as follows:
See remedial measure for violation no. 3 (i.e., Investigation and Corrective Action Work Plan). To be completed by: 01/06/2003

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division Of Waste Management
Central Office
14 Reilly Road
Frankfort, Ky 40601
502-564-6716 EXT. 285

Jami West, Environmental Enforcement Specialist III

Issued By:

Jami West
Jami West

Date: 11/13/2002

Issued By:

Environmental Enforcement Specialist III

Date: 11/13/2002

+

DEP 4025

+

James M. Gaffney

James M. Gaffney

Environmental Engineering Assistant III

How Delivered:

Certified #

cc: HW, ENF, OLS, File, RO

+

DSP 4025

+

HENRY C. LIST
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY RD
FRANKFORT KY 40601-1190

November 12, 2002

CERTIFIED MAIL #7000 1670 0007 9753 1199
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

RE: Unpermitted Storage and Disposal of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Dear Mr. Seaborg:

Enclosed are Notices of Violation (NOVs) issued for failure to comply with KRS 224 and numerous waste management regulations promulgated pursuant to those statutes. Please contact me at (502) 564-6716 if you have questions.

Sincerely,

Robert H. Daniell
Director

Enclosures - Notices of Violation (4)

c: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Randy McDowell, Office of Legal Services
Ron Gruzsky, Solid Waste Branch
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, Hazardous Waste Branch-Paducah
DOE Reading File



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COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

NOTICE OF VIOLATION

TO:

US DEPT. OF ENERGY
PO BOX 1410
5600 HOBBS ROAD
PADUCAH KY 420021410
Attn: MR. W. DON SEABORG, SITE MANAGER

Site ID #: KY8890008982
County: Mcracken
Notification/Complaints System #:
NOV Tracking #: 6584

SITE:

US DOE PADUCAH GAS DIFFUSION PLT
5600 HOBBS ROAD

PADUCAH KY 42001

Date(s) Violation(s) Observed: 03/12/2002

OIG Case #:

Enforcement Case #: 02143

This is to advise that you are in violation of the provisions cited below:

Statute/Regulation(No. 1): KRS 224.46-510(2) 401 KAR 32:010 2

A description of the violation:

US DOE generated wastes as defined in 401 KAR Chapter 31 and failed to characterize these wastes in violation of KRS 224.46-510(2) and 401 KAR 32:010(2). These wastes have been managed in the following Solid Waste Management Units (SWMUs):

SWMU 351 / DMSA C-400-05;
SWMU 287 / DMSA C-333-31;
SWMU 219 / DMSA OS-8;
SWMU 464 / C-746-A (West End Smelter);
SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02; and
SWMU 250 / DMSA C-331-16.

The required remedial measure(s), and date(s) to be completed by; are as follows:

[1] US DOE shall submit amended SWMU Assessment Reports (SARs) for the following SWMUs. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit.

SWMU 351 / DMSA C-400-05;
SWMU 287 / DMSA C-333-31;
SWMU 219 / DMSA OS-8;
SWMU 464 / C-746-A (West End Smelter);
SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02; and
SWMU 250 / DMSA C-331-16. To be completed by: 05/09/2003

Statute/Regulation(No. 2): KRS 224.46-510 401 KAR 32:030 5

A description of the violation:

On March 12, April 24 and 28, May 29, June 17, July 26, August 6, 8, 12, 14, 20, 21 and 22, September 25, October 16, 17, 22 and 29, 2002 the US DOE submitted notifications to the Cabinet documenting that US

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DEP 4025

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DOE stored hazardous waste(s) for greater than ninety (90) days, in violation of KRS 224.46-510 and 401 KAR 32:030(5), in the following Solid Waste Management Units (SWMUs):
SWMU 351 / DMSA C-400-05;
SWMU 287 / DMSA C-333-31;
SWMU 219 / DMSA OS-8;
SWMU 464 / C-746-A (West End Smelter);
SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02; and
SWMU 250 / DMSA C-331-16.

The required remedial measure(s), and date(s) to be completed by; are as follows:

[2] US DOE shall submit to the Cabinet a revised Part A Application to include the following SWMUs as hazardous waste management units.

SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02;
SWMU 219 / DMSA OS08; and
SWMU 250 / DMSA C-331-16. To be completed by: 02/07/2003

[3] US DOE shall submit to the Cabinet a revised Part A application to update the wastestreams for the following SWMUs:

SWMU 287 / DMSA C-333-31;
SWMU 351 / DMSA C-400-05; and
SWMU 464 / C-746-A (West End Smelter). To be completed by: 02/07/2003

[4] US DOE shall submit to the Cabinet closure plans to address closure of the following SWMUs:

SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02;
SWMU 219 / DMSA OS08; and
SWMU 250 / DMSA C-331-16. To be completed by: 05/09/2003

[5] US DOE shall submit revised closure plans for the following SWMUs to address the additional wastestreams discovered on March 12, July 26, August 8 and 22, October 17, 22, and 29.

SWMU 287 / DMSA C-333-31;
SWMU 351 / DMSA C-400-05; and
SWMU 464 / C-746-A (West End Smelter). To be completed by: 05/09/2003

[6] US DOE shall cease the unpermitted storage of hazardous waste at all locations owned or operated by the US DOE at the Paducah Gaseous Diffusion Plant (PGDP) immediately. To be completed by: 11/07/2002

Statute/Regulation(No. 3): KRS 224.46-520(1) 401 KAR 38:010 4

A description of the violation:

On March 12, April 24 and 29, May 29, June 17, July 26, August 8, 8, 12, 14, 20, 21 and 22, September 25, October 16, 17, 22, and 29 2002 the US DOE submitted notifications to the Cabinet documenting that US DOE stored hazardous waste(s) for greater than ninety (90) days in the Solid Waste Management Units (SWMUs) listed below. Therefore US DOE is in violation of KRS 224.46-520(1) and 401 KAR 38:010(4), which states that no person shall engage in the storage, treatment, recycling, or disposal of hazardous waste without first notifying the Cabinet and obtaining construction and operation permits from the Cabinet.
SWMU 351 / DMSA C-400-05;
SWMU 287 / DMSA C-333-31;

SWMU 219 / DMSA OS-8;
SWMU 464 / C-746-A (West End Smelter);
SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02; and
SWMU 250 / DMSA C-331-16.

The required remedial measure(s), and date(s) to be completed by; are as follows:

[7] US DOE shall submit to the Cabinet a revised Part A Application to include the following SWMUs as hazardous waste management units.

SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02;
SWMU 219 / DMSA OS08; and
SWMU 250 / DMSA C-331-16. To be completed by: 02/07/2003

[8] US DOE shall submit to the Cabinet a revised Part A application to update the wastestreams for the following SWMUs:

SWMU 287 / DMSA C-333-31;
SWMU 351 / DMSA C-400-05; and
SWMU 464 / C-746-A (West End Smelter). To be completed by: 02/07/2003

[9] US DOE shall submit to the Cabinet closure plans to address closure of the following SWMUs:

SWMU 277 / DMSA C-333-21;
SWMU 276 / DMSA C-333-20;
SWMU 240 / DMSA C-331-06;
SWMU 239 / DMSA C-331-05;
SWMU 231 / DMSA C-310-02;
SWMU 219 / DMSA OS08; and
SWMU 250 / DMSA C-331-16. To be completed by: 05/09/2003

[10] US DOE shall submit revised closure plans for the following SWMUs to address the additional wastestreams discovered on March 12, July 26, August 8 and 22, October 17, 22 and 29.

SWMU 287 / DMSA C-333-31;
SWMU 351 / DMSA C-400-05; and
SWMU 464 / C-746-A (West End Smelter). To be completed by: 05/09/2003

[11] US DOE shall cease the unpermitted storage of hazardous waste at all locations owned or operated by the US DOE at the Paducah Gaseous Diffusion Plant (PGDP) immediately. To be completed by: 11/07/2002

Statute/Regulation(No. 4): KRS 224 401 KAR 32

A description of the violation:

Failure to meet the hazardous waste generator requirements found in 401 KAR Chapter 32.

The required remedial measure(s), and date(s) to be completed by; are as follows:

[12] All hazardous waste at the PGDP shall be managed in accordance with all applicable provisions of Chapters 32 of Title 401 of the Kentucky Administrative Regulations. To be completed by: 11/07/2002

Statute/Regulation(No. 5): KRS 224 401 KAR 34

A description of the violation:

Failure to meet requirements for treatment, storage, and disposal facilities found in 401 KAR Chapter 34.

The required remedial measure(s), and date(s) to be completed by; are as follows:

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DEP 4025

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[13] All hazardous waste at the PGDP shall be managed in accordance with all applicable provisions of Chapter 34 of Title 401 of the Kentucky Administrative Regulations. To be completed by: 11/07/2002

Statute/Regulation(No. 6): KRS 224 401 KAR 38:030 1(1)

A description of the violation:

Failure to comply with Part II.A.2 of the Hazardous Waste Permit in violation of KRS 224 and 401 KAR 38:030(1)(1), which states that the permittee must comply with all conditions of this permit,

The required remedial measure(s), and date(s) to be completed by; are as follows:

US DOE shall comply with all applicable provisions of the Hazardous Waste Management Permit immediately. To be completed by: 11/07/2002

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division Of Waste Management
Central Office
14 Reilly Road
Frankfort, Ky 40601
502-564-6716 EXT. 285

Jami West, Environmental Enforcement Specialist III

Issued By:

Jami West

Date: 11/06/2002

Jami West Environmental Enforcement Specialist III

Issued By:

James M. Guffey

Date: 11/06/2002

James M. Guffey Environmental Engineering Assistant III

How Delivered:

Certified #

cc: HW, ENF, OLS, File, RO

HENRY C. LIST
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY RD
FRANKFORT KY 40601-1190

November 12, 2002

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RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

RE: Unpermitted Storage and Disposal of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Dear Mr. Seaborg:

Enclosed are Notices of Violation (NOVs) issued for failure to comply with KRS 224 and numerous waste management regulations promulgated pursuant to those statutes. Please contact me at (502) 564-6716 if you have questions.

Sincerely,

Robert H. Daniell
Director

Enclosures - Notices of Violation (4)

c: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Randy McDowell, Office of Legal Services
Ron Gruzsky, Solid Waste Branch
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, Hazardous Waste Branch-Paducah
DOE Reading File



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COMMONWEALTH OF KENTUCKY.
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

NOTICE OF VIOLATION

TO:

US DEPT. OF ENERGY
PO BOX 1410
5600 HOBBS ROAD
PADUCAH KY 420021410
Attn: MR. W. DON SEABORG, SITE MANAGER

Site ID #: KY8890008982

County: Mcracken

Notifications/Complaints System #:

NOV Tracking #: 6917

SITE:

US DOE PADUCAH GAS DIFFUSION PLT
5600 HOBBS ROAD

PADUCAH KY 42001

Date(s) Violation(s) Observed: 05/03/2002

OIG Case #:

Enforcement Case #: DWM # 02143

This is to advise that you are in violation of the provisions cited below:

Statute/Regulation(No. 1): KRS 224.46-510(2) 401 KAR 32:010 2(2)

A description of the violation:

Failure to make a hazardous waste determination for wastes disposed of in SWMU 208, the C-746-U Solid Waste Landfill, by failure to determine if the waste is listed as a hazardous waste in 401 KAR 31:040, in violation of KRS 224.46-510(2) and 401 KAR 32:010(2)(2).

The required remedial measure(s), and date(s) to be completed by; are as follows:
US DOE shall complete hazardous waste determinations in accordance with 401 KAR 32:010(2)(2), in order to prevent disposal of hazardous waste in the C-746-U Solid Waste Landfill. To be completed by: 11/13/2002

Statute/Regulation(No. 2): KRS 224.46-520(1) 401 KAR 38:010 4

A description of the violation:

Disposal of hazardous waste in SWMU 208, the C-746-U Solid Waste Landfill, in violation of KRS 224.46-520(1) and 401 KAR 38:010(4), by disposal of hazardous waste without first notifying the Cabinet and obtaining construction and operation permits from the Cabinet.

The required remedial measure(s), and date(s) to be completed by; are as follows:
US DOE shall cease all unpermitted disposal of hazardous waste in the C-746-U Solid Waste Landfill immediately.

To be completed by: 11/13/2002

US DOE shall submit the following information to the Cabinet:

- A map of the PGDP site delineating all areas (e.g., ditches, sumps, etc.) where US DOE has concluded that either listed or characteristic hazardous wastes have been discharged.
- An inventory of any and all wastes/media that have been removed from those areas in which US DOE has concluded that hazardous wastes have been discharged. This list shall include types and quantities of wastes/media removed, date of removal, method and location of storage and/or disposal.
- A listing of all drums and/or other storage receptacles, including but not limited to, low level or TSCA waste containers, currently stored on site, whereby US DOE considers the original waste determination to be suspect. This listing shall include all available information regarding the point of generation, date of generation and current storage locations of the waste.
- An inventory of all previous waste shipments off site whereby US DOE considers the original waste determination to be suspect. This list shall include a listing of the types and quantities of wastes disposed, the point of generation, date of generation, method of shipment, shipping manifests and all receipts of disposal.
- An inventory of all previous waste streams disposed of in any on site landfill(s), which US DOE considers the original waste determination to be suspect. This list shall include the point of generation for these wastes, date of generation, disposal location and date of disposal.
- Provide a detailed overview of the uses of TCE and TCA throughout the PGDP and all documentation associated with the management and disposal practices of TCE and TCA.

To be completed by: 12/20/2002
US DOE shall submit an amended SWMU Assessment Report (SAR) for SWMU 208, the C-746-U Solid Waste Landfill. At a minimum, the SAR shall provide the information required under Condition IV.B.3 of the facility Hazardous Waste Management Permit. To be completed by: 12/20/2002

Statute/Regulation(No. 3): KRS 224 401 KAR 48:090 2

A description of the violation:

Failure to effectively implement a program at the facility for detecting and preventing the disposal of regulated hazardous waste as defined in 401 KAR Chapter 31 by failure to properly identify listed hazardous wastes in violation of 401 KAR 48:090 Section 2.

The required remedial measure(s), and date(s) to be completed by; are as follows:

US DOE shall submit to the Cabinet a revised Waste Inspection Program that accurately describes the wastestreams being disposed of in the C-746-U Solid Waste Landfill, and meets the requirements of 401 KAR 48:090(2). To be completed by: 12/20/2002

Statute/Regulation(No. 4): KRS 224 401 KAR 47:120 1

A description of the violation:

Failure to comply with all conditions of the Solid Waste Disposal Facility Permit No. 073.00045, in violation of KRS 224 and 401 KAR 47:120(1), by disposal of hazardous waste in the C-746-U Solid Waste Landfill.

The required remedial measure(s), and date(s) to be completed by; are as follows:

US DOE shall comply with all applicable conditions of the Solid Waste Disposal Facility Permit No. 073.00045 immediately. To be completed by: 11/13/2002

US DOE shall submit a plan to address the disposal of hazardous wastes in SWMU 208, the C-746-U Solid Waste Landfill. The plan shall describe the course of action for removal of hazardous waste containers and all releases associated with these containers.

Alternatively, the plan shall describe a sampling effort to obtain bulk analyses from the containers of hazardous waste disposed of in the C-746-U Solid Waste Landfill for purposes of a revised regulatory determination. To be completed by: 12/20/2002

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division Of Waste Management
Central Office
14 Reilly Road
Frankfort, Ky 40601
502-564-6716 EXT. 285

Jami West, Environmental Enforcement Specialist III

Issued By:

Jami West

Date: 11/13/2002

Issued By:

Jami West

Environmental Enforcement Specialist III

James M. Guffey

Date: 11/13/2002

James M. Guffey

Environmental Engineering Assistant III

How Delivered:

Certified #

cc: HW, ENF, OLS, File, RO

DEP 4025

Fact Sheet
Wednesday November 13, 2002
Notice of Violation Issued by Kentucky Department for Environmental Protection
to the Department of Energy - Paducah

Description

- On Tuesday November 12, 2002, the Director of the Department for Environmental Protection, issued a notice of violation (NOV) entitled "Unpermitted Storage of Hazardous Waste Paducah Gaseous Diffusion Plant McCracken County, Kentucky, KY8-890-008-982".
- DOE received this NOV on Wednesday November 13, 2002.
- The NOV focuses on the Paducah DOE Material Storage Areas (DMSAs) C-400-05, C-333-31, OS-8, C-333-21, C-333-20, C-331-06, C-331-05, C-310-02, and C-331-16. It also includes the C-746-A West End Smelter
- Items discovered in these DMSA's include light bulbs, circuit boards, capacitor, sealant, aerosol cans, a light starter, a mercury manometer, a fluorescent light starter, paint, mercury-wetted relays, and a light bulb base
- The violations occurred on March 12, April 24 and 29, May 29, June 17, July 26, August 6, 8, 12, 14, 20, 21 and 22, September 25, October 16, 17, 22 and 29, 2002.
 - Note that the RCRA notifications on August 8 and 21, 2002, only identified Newly Generated waste, not Newly Discovered

Background

- A current project is ongoing at Paducah to characterize the 160 DMSAs.
- These DMSAs contain a variety of materials with the potential to contain nuclear criticality safety and hazardous material concerns.
- As the DMSA Project identifies hazardous waste as either "newly discovered" or "newly generated", notifications are self reported to KDEP by DOE.
- The Commonwealth has previously issued NOV's to DOE on September 5, 2000, July 31, 2001, October 9, 2001, January 18, 2002, February 28, 2002, and March 11, 2002 for similar violations that apply to DMSAs. In addition, an administrative complaint has been filed by the Commonwealth against DOE on October 26, 2001.
- The NOV's appear to be for "newly discovered" hazardous waste only, with the exception of August 8 and 21, 2002, as noted above.

NOV Required Actions

1. DOE is to submit amended Solid Waste Management Unit (SWMU) Assessment Reports by 5/9/03.
2. DOE is to submit a revised Part "A" Application for the hazardous waste management permit by 2/7/03.
3. DOE is to submit a revised Part "A" Application to update the wastestreams by 2/7/03.
4. DOE is to submit revised closure plans by 5/9/03.
5. DOE is to submit revised closure plans to address the additional waste streams by 5/9/03.
6. DOE is to cease the unpermitted storage of hazardous waste at all locations owned or operated by the DOE at the Paducah Gaseous Diffusion Plant immediately.

Other Points of Emphasis

- Violations are subject to civil penalties of up to \$25,000 per day per violation.
- To date, DOE has received 7 NOV's (including this one) affecting numerous DMSAs, for similar violations. Some of these DMSAs have been cited in multiple NOV's as additional hazardous waste has been discovered.
- DOE has been in negotiations with the Commonwealth over the past few months in an attempt to settle their outstanding Administrative Complaint.



COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY RD
FRANKFORT KY 40601-1190

November 12, 2002

CERTIFIED MAIL #7000 1670 0007 9753 1199
RETURN RECEIPT REQUESTED

Mr. W. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

RE: Unpermitted Storage and Disposal of Hazardous Waste
Paducah Gaseous Diffusion Plant
McCracken County, Kentucky
KY8-890-008-982

Dear Mr. Seaborg:

Enclosed are Notices of Violation (NOVs) issued for failure to comply with KRS 224 and numerous waste management regulations promulgated pursuant to those statutes. Please contact me at (502) 564-6716 if you have questions.

Sincerely,

Robert H. Daniell
Director

Enclosures -- Notices of Violation (4)

c: Carl R. Froede, Jr., USEPA Region 4
Larry Lamberth, USEPA Region 4
Randy McDowell, Office of Legal Services
Ron Gruzsky, Solid Waste Branch
Margie Williams, DWM-Paducah
Connie Smith, Enforcement Branch
Gaye Brewer, Hazardous Waste Branch-Paducah
DOE Reading File



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COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

NOTICE OF VIOLATION

TO:

US DEPT. OF ENERGY
PO BOX 1410
5600 HOBBS ROAD
PADUCAH KY
Attn: W. DON SEABORG

420021410

SITE:

US DOE PADUCAH GAS DIFFUSION PLT
5600 HOBBS ROAD

PADUCAH

KY

42001

Site ID #: KY8890008982

County: McCracken

Notifications/Complaints System #:

NOV Tracking #: 888888

Date(s) Violation(s) Observed: 12/15/2002

OIG Case #:

Enforcement Case #:

This is to advise that you are in violation of the provisions cited below:

Statute/Regulation(No. 1): KRS 224.401 KAR 32.040

A description of the violation:

- 401 KAR 32.040 Sections 1 & 2 state: Section 1. Recordkeeping. (1) A generator shall keep a copy of each manifest signed in accordance with Section 4(1) of 401 KAR 32.020 in addition to the signed copy returned from the designated facility which received the waste. Both copies shall be retained on record for at least three (3) years from the date the waste was accepted by the initial transporter.
- (2) A generator shall keep a copy of each annual report and exception report for a period of at least three (3) years from the due date of the report (March 1).
- (3) A generator shall keep records of any test results, waste analyses, or other determinations made in accordance with Section 2 of 401 KAR 32.010 for at least three (3) years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.
- (4) A generator shall keep a log showing all facility and equipment inspections as required in Section 6 of 401 KAR 35.020.
- (5) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the secretary.
- Section 2. Annual Reporting. (1) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a Hazardous Waste Annual Report, DEP Form 7072-91, incorporated by reference in Section 5 of this administrative regulation. The Hazardous Waste Annual Report shall be submitted to the cabinet no later than March 1 for the preceding calendar year.
- (2) Any generator who treats, stores, or disposes of hazardous waste on-site shall submit the Hazardous Waste Annual Report covering those wastes in accordance with provisions of 401 KAR Chapters 34, 35, 36, and 38. Reporting for exports of hazardous waste outside the United States is not required on the annual report form but shall be accomplished by a separate annual report pursuant to 401 KAR 32.050.
- (3) Generators shall provide a duplicate copy of the Hazardous Waste Annual Report to the county judge/executive of the county or chief executive officer of an urban county government within which the waste site or facility which will receive waste from the generator is located and to the county judge/executive of the county or chief executive officer of an urban-county government within which the generator is located in order that the county judge/executive or chief executive officer may make the report available to the county law enforcement and emergency services for emergency planning purposes.

At the beginning of the CEI on May 6, 2002 a copy of the inspection agenda was provided to Danny Guminski (Bechtel Jacobs), which included a list of the records I would be inspecting. On May 16, 2002 inspection of the requested records was done. The 1999-2001 Hazardous Waste Annual Reports provided for review were "working copies" and were not copies of the signed annual reports submitted to DWM.

The 1999 annual report indicated that there were 10 manifested hazardous waste shipments. Review of copies of manifests provided by the facility found only 3 manifests. The 2000 annual report indicated that there were 15 manifested hazardous waste shipments. Review of copies of manifests provided by the facility found 13 manifests. The 2001 annual report indicated that there were 4 manifested hazardous waste shipments. Review of copies of manifests provided by the facility found only 2 manifests.

There was not any evidence provided that the annual reports had been submitted to the McCracken Co. Judge/Executive.

The required remedial measure(s), and date(s) to be completed by, are as follows:

Perform a detailed reconciliation of hazardous waste manifests and hazardous waste annual reports for the years 1999-2001. Include in the reconciliation document a listing describing the type of waste for all waste manifests (hazardous, non-hazardous, TSCA, etc.) generated from 1999-2001, sorted by manifest number. Submit to the Paducah Regional Office and the Division of Waste Management Hazardous Waste Branch.

To be completed by: 12/06/2002

Provide evidence that the 1999-2001 hazardous waste annual reports were submitted to the McCracken Co. Judge/Executive. Submit to the Paducah Regional Office and the Division of Waste Management Hazardous Waste Branch.

To be completed by: 12/06/2002

Statute/Regulation(No. 2): KRS 224 401 KAR 34:020 7

A description of the violation:

In accordance with the Hazardous Waste Facility Permit issued to this facility, 401 KAR 34:020 Section 7 is applicable and states, in part: (5) Training records on current personnel shall be kept until closure of the facility; training records on former employees shall be kept for at least three (3) years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

Training records/training program were reviewed at the Weskem office located at Kevil. The records were found to be generally complete for Weskem personnel; however, it appears that personnel other than employees of Weskem may be involved in hazardous waste operations and implementation of the contingency plan. The records for personnel other than Weskem were not available at the Weskem office, and it was unclear where such records would be located.

The facility does not have the required records in its possession. It appears that the various sub-contractors all maintain separate record keeping systems.

The required remedial measure(s), and date(s) to be completed by, are as follows:

The permittee shall make a determination of which personnel at this facility are required to be trained in accordance with 401 KAR 34:020 Section 7, regardless of the employee's employer, and maintain copies of the required training records in a central location.

To be completed by: 12/06/2002

Statute/Regulation(No. 3): KRS 224 401 KAR 32:040 1

A description of the violation:

401 KAR 32:040 Section 1 states: Recordkeeping. (1) A generator shall keep a copy of each manifest signed in accordance with Section 4(1) of 401 KAR 32:020 in addition to the signed copy returned from the designated facility which received the waste. Both copies shall be retained on record for at least three (3) years from the date the waste was accepted by the initial transporter.

401 KAR 32:100, Appendix on hazardous waste manifest and instructions, is also applicable.

During review of generator manifests it was noted that the required copies of the manifest document (original and generator copy) were mixed in with various other internal documents associated with the shipment, and that there were skips in the sequential numbering system. Facility personnel advised that the various sub-contractors contacted Weskam for sequential manifest numbers when waste was to be shipped, and that the sequential numbering system was utilized for all waste shipments (hazardous, PCB, low level radioactive). Each sub-contractor maintained their copies of manifests. I requested copies of all hazardous waste manifests for 1999-2002 (original, generator copy, and land disposal restriction notice) to be sent to my office by May 24, and descriptions of other manifests in order to evaluate the sequential numbering systems accuracy. Manifest numbers of hazardous waste manifests provided include:

- 00347 - 08/31/1999
- 00345 - 09/03/1999
- 00348 - 09/23/1999
- 00353 - 01/06/2000
- 00354 - 01/06/2000
- 00357 - 05/24/2000
- 00358 - 05/24/2000
- 00359 - 05/24/2000
- 00362 - 07/25/2000
- 00364 - 09/08/2000
- 00365 - 09/08/2000
- 00367 - 09/28/2000
- 00368 - 09/28/2000
- 00369 - 09/28/2000
- 00371 - 09/28/2000
- 00373 - 12/08/2000
- 00379 - 09/11/2001
- 00380 - 10/30/2001

The copies of the requested manifests are not complete. There is insufficient documentation to determine if the sequential numbering system is being followed; in fact, manifest # 00347 was shipped on 08/31/1999 and manifest # 00345 was shipped on 09/03/1999, which was 3 days after #00347 was shipped. There are also gaps in the manifest numbers that I am unable to reconcile with the documentation provided.

It is noted that manifest # 00379 does not have the correct EPA hazardous waste number in item I, and does not have a waste handling code in item K. Manifest # 00380 does not have a waste handling code in item K.

The required remedial measure(s), and date(s) to be completed by; are as follows:
Provide documentation that a sequential numbering system is being used for hazardous waste manifests. Submit documentation to the Paducah Regional Office and the Division of Waste Management Hazardous Waste Branch.
To be completed by: 12/06/2002

Correct manifest # 00379 by placing the proper EPA hazardous waste number in item I and the proper waste handling code in item K. Correct manifest # 00380 by placing the proper waste handling code in item K.
To be completed by: 12/06/2002

Provide an explanation of why manifest # 00345 was dated as being shipped after manifest # 00347. Submit documentation to the Paducah Regional Office and the Division of Waste Management Hazardous Waste Branch.
To be completed by: 12/06/2002

Statute/Regulation(No. 4): KRS 224 401 KAR 37:010 7

A description of the violation:

401 KAR 37:010 Section 7 requires that land disposal restriction notices have the manifest number listed that is associated with the waste shipment.

It was noted that the LDR notice associated with manifest # 00380 does not have the manifest number.

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DEP 4025

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Page 4
The required remedial measure(s), and date(s) to be completed by; are as follows:
Correct the LDR notice associated with manifest # 00380 by placing the manifest number on the notice.
To be completed by: 12/06/2002

Statute/Regulation(No. 5): KRS 224 401 KAR 34:050 6

A description of the violation:

As was previously noted, the 1999-2001 Hazardous Waste Annual reports provided were not the signed copies submitted to DWM, and the number of manifested shipments of waste reported does not correspond with the number of hazardous waste manifests provided by the facility.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Perform a detailed reconciliation of hazardous waste manifests and hazardous waste annual reports for the years 1999-2001. Include in the reconciliation document a listing describing the type of waste for all waste manifests (hazardous, non-hazardous, TSCA, etc.) generated from 1999-2001, sorted by manifest number, and submit to the Paducah Regional Office and the Division of Waste Management Hazardous Waste Branch.

To be completed by: 12/06/2002

Statute/Regulation(No. 6): KRS 224 401 KAR 32:030 5(1)(B)

A description of the violation:

401 KAR 32:030 Section 5(1)(b) states: The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

Two mobile tanks and one drum in the 90 day storage area at C-746-S & T Landfills were noted to lack the accumulation date. The dates were added to the labels to correct the violation, which was confirmed later in the inspection.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Take appropriate measures to ensure that all containers of hazardous waste are in compliance with Kentucky hazardous waste regulations.

To be completed by: 12/06/2002

Statute/Regulation(No. 7): KRS 224 401 KAR 35:180 5

A description of the violation:

401 KAR 35:180 Section 5 states: Inspections. The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.

It was noted that there were several instances where inspections of the 90 day storage areas were not done every 7 days, which is the common interpretation of the regulatory requirement. A 7 day schedule is utilized for other inspections that the facility conducts.

It was also noted that the form being used to document the inspections of the 90 day areas appears to be designed for TSCA storage areas. The form needs to be modified/replaced with a form specific for 90 day RCRA waste storage area requirements.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Take appropriate measures to ensure that all storage areas are inspected weekly (i.e. every 7 days), and that the results of the inspections are documented properly.

To be completed by: 12/06/2002

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Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division Of Waste Management
Paducah Regional Office
4500 Clarks River Road
Paducah, Ky 420030823
270-898-8468 (8:00 AM TO 4:00 PM WEEKDAYS)
Gary Morgan, ENVIRONMENTAL INSPECTOR III

Issued By:



Date: 11/04/2002

Gary Morgan ENVIRONMENTAL INSPECTOR III

Issued By:

Date: 11/04/2002

How Delivered: Certified Mail Certified #:

cc: Copies to File, DWM-Frankfort, OLS

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DEP 4025

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Bechtel Jacobs Company LLC
Notice of Violations (NOV)

For 2003

Total Number of NOV for 2003 3

January 24, 2003 -- NOV

The extent of the violations observed is as follows:

1. Hazardous Waste Generator Reporting Requirements.

March 17, 2003 -- NOV

The extent of the violations observed is as follows:

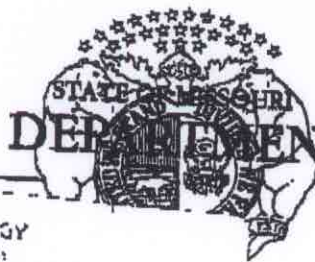
2. KPDES permit violations of whole Effluent Toxicity limit in Outfall 001.

April 15, 2003 -- NOV

The extent of the violations observed is as follows:

3. Failure to pay Missouri annual registration renewal fee. The registration renewal fee is required from any generator whose registration status is active.

TO: Glen Galen
From: Danny Guminiski



Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.state.mo.us

U.S. DEPT. OF ENERGY
600 HOBBS RD. (B)
WEST PADUCAH, KY 42086
EPA ID: KY8896018982 MO ID: 038874

JAN 27 AM 10:34

CERTIFIED MAIL

NOTICE OF VIOLATION

January 24, 2003

RE: Hazardous Waste Generator Reporting Requirements

This is to notify you that as a registered hazardous waste generator in Missouri, you are in violation of the Missouri Hazardous Waste Management Law, because you have not submitted required reports to the Department, in violation of 40 CFR Part 262, Subpart D, as incorporated and modified by 10 CSR 25 5.262. As a registered generator of hazardous waste, you are obligated to comply with Missouri reporting requirements, including submission of manifest summary reports. As of the date of this letter, the Department of Natural Resources has not received manifest summary reports on your hazardous waste activity for the period July 1, 2001 to June 30, 2002.

If you complete these reports correctly and file them with the department within 30 days of your receipt of this letter, no further punitive action will be taken against your company for the situation noted above. If your cooperation is not forthcoming in accordance with that schedule, two punitive measures may be taken:

- a) All Missouri facilities which either treat, store, or dispose of hazardous waste from offsite, or which conduct recycling of offsite waste under a Missouri Resource Recovery Certificate, shall be informed that if they accept any hazardous waste from you before you have updated your registration information, they are subject to prosecution for a knowing violation of the Missouri Hazardous Waste Management Law and Regulations and appropriate enforcement and penalties shall be sought by the State.
- b) Your company may be referred to the Attorney General's Office for a determination of whether pursuit of monetary or other penalties is appropriate.

If you did not generate or ship hazardous waste during this period, please complete Part I of the "Generator's Hazardous Waste Summary Report" form and indicate "No waste" appropriately on the form. If your firm no longer generates waste, please send a written request on company letterhead to the department asking that your generator ID number be made inactive.

Integrity and excellence in all we do

Notice of Violation
January 24, 2003
Page 2

Upon receiving your manifest summary reports, the Hazardous Waste Program will calculate any fees and taxes due and a billing will be sent to you with an explanation of the calculations. If your hazardous waste generation activity has resulted in liability for any fees and taxes under 260.380, 260.475 or 260.479 RSMO, failure to pay those fees and taxes may also result in enforcement action. In addition to any fees and taxes due, certain penalties and interest are required by statute in situations where the generator has failed to pay hazardous waste fees and taxes.

If you have questions, or need to obtain a copy of the "Generator's Hazardous Waste Summary Report", please contact Mr. David Green of the Hazardous Waste Program at (573) 751-3204. If you need a report form and have internet access, you may download the form from the following address:

www.dnr.state.mo.us/oac/forms/780-1097.pdf

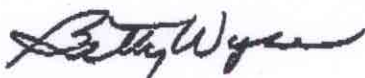
The report is in a PDF file format and requires "Acrobat Reader" to be able to successfully download it.

Please send all correspondence concerning this matter to the Missouri Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102.

Thank you for your prompt attention to this matter.

Sincerely,

HAZARDOUS WASTE PROGRAM



Betty Wyse
Acting Director

BW: dgj

Enclosure

Met August

HENRY C. LIST
SECRETARY



TO:
Glen
Galew

PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

March 17, 2003

Certified No. 7002 2030 0002 3577 3580
Return Receipt Requested

Paducah Gaseous Diffusion Plant
Department of Energy
ATTN: Brian Bell
5600 Hobbs Road
Paducah, Kentucky 42002-1410

Re: DOE/BJC/PGDP
McCracken County, Kentucky
Case No. DOW 03137 (NOV # 8899)
KPDES No. KY0004049

Dear Mr. Bell:

DOE is in violation of KRS 224 401 KAR 5:065 1(1) as referenced in the attached Notice of Violation.

In order to avoid further enforcement action, comply with the remedial measures set forth in the attached Notice of Violation. Failure to comply subjects your facility to penalties as specified in KRS 224. Your cooperation and assistance in this matter is appreciated. If you have any questions, please contact Mark Vogel at (502) 564-3410.

Sincerely,


Phillip A. Bromall

Environmental Control Supervisor
Enforcement Branch
Division of Water

PAB/csa
Enclosure

c: Mark Vogel, KPDES Branch
Paducah Regional Office
Cathleen Adams, Enforcement Branch
KPDES File



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COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

NOTICE OF VIOLATION

TO:

DEPARTMENT OF ENERGY
5600 HOBBS RD
PADUCAH KY 420021410
Attn:

SITE:

DOE/BJC/PGDP
5600 HOBBS
WEST PADUCAH KY 42086

Site ID #: KY0004049

County: Mccracken

Notifications/Complaints System #:

NOV Tracking #: 8899

Date(s) Violation(s) Observed: 10/01/2002

OIG Case #:

Enforcement Case #: 03137

This is to advise that you are in violation of the provisions cited below:

Statute/Regulation(No. 1): KRS 224 401 KAR 5:065 1(1)

A description of the violation:

KPDES permit violations of Whole Effluent Toxicity limit in Outfall 001.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Submission of a Toxicity Reduction Evaluation (TRE) Plan and implementation schedule by March 31, 2002. In addition, monthly compliance monitoring must continue for the duration of the TRE and quarterly progress reports are due before the 28th day of the month following the end of the quarter. To be completed by: 03/31/2002

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division Of Water
Central Office
14 Reilly Road
Frankfort, Ky 40601
(502) 564-3410

Cathleen Adams, Environmental Enforcement Specialist

Issued By:

Date: 03/17/2003

Issued By:

Environmental Enforcement Specialist

Date: 03/17/2003

How Delivered: Certified Mail Certified #: 7002 2030 0002 3577 3580

cc: Paducah RO
KPDES Branch



MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR AND LAND PROTECTION DIVISION



NOTICE OF VIOLATION
HAZARDOUS WASTE PROGRAM

April 15, 2003

US DEPT OF ENERGY
KY8890008982
038874

ANNUAL REGISTRATION RENEWAL FEE DETAIL INFORMATION

The annual registration renewal fee is authorized by Section 26.380 RSMo. This registration renewal fee is required from any generator whose registration status is active.

FOR THE PERIOD JANUARY 1, 2003 TO DECEMBER 31, 2003.....\$100.00*

FORMULA

\$100.00 PER CALENDAR YEAR

- * If you do not wish to renew your registration, you must make that request in writing to the department. However, please note that generators who inactivate and who later in that same year request to re-activate will be subject to a \$50.00 administrative reinstatement fee in addition to the \$100.00 registration renewal fee.
- * If you are located in Missouri and generate or accumulate regulated quantities of hazardous waste, you may not inactivate your registration. It is a violation of the Missouri Hazardous Waste Management Law to generate or accumulate regulated quantities of hazardous waste while your registration is inactive.
- * If you are located in Missouri and do not generate or accumulate regulated quantities of hazardous waste, you may request in writing that your registration be made inactive.
- * If you are located outside of Missouri and no longer ship hazardous waste into Missouri, you may request in writing that your registration be made inactive. However, before you can ship hazardous waste into Missouri again, you will be required to re-activate your registration and pay the registration fee.
- * If you are registered as a Conditionally Exempt Small Quantity Generator but wish to inactivate your registration, please see the enclosed form for further instructions.

If the registration renewal fee is not paid or a written request to inactivate your registration is not received by the department within 15 days from the date of this invoice, your registration will be administratively inactivated. If you later wish to re-activate your registration, you may be subject to a \$50.00 administrative reinstatement fee in addition to the \$100.00 registration renewal fee.

Additionally, Missouri Treatment, Storage, or Disposal (TSD) facilities and hazardous waste transporters licensed to operate in Missouri are prohibited from accepting hazardous waste from any site that generates or accumulates enough hazardous waste to be regulated and is unregistered, or from a site that has an inactive registration. If you are located in Missouri, it is a violation of the Missouri Hazardous Waste Management Law to generate or accumulate reportable quantities of hazardous waste, as defined in 10 CSR 25-5.262, while your registration is inactive.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR AND LAND PROTECTION DIVISION



NOTICE OF VIOLATION

HAZARDOUS WASTE FEES AND TAXES INVOICE

CERTIFIED MAIL

April 15, 2003

RECEIVED APR 21 2003

RICHARD KUEHN
US DEPT OF ENERGY
PO BOX 1410
PADUCAH, KY 42002

Dear RICHARD KUEHN:

As of April 15, 2003, the Department has not received your payment for the annual registration fee for the period of January 1, 2003 through December 31, 2003 and/or for the fees and/or taxes levied on the hazardous waste which was generated and/or disposed of in Missouri during the period July 1, 2001 through June 30, 2002. A summary of the amount(s) due is given at the end of this page.

This Notice of Violation is based on our review of the summary reports and payments received to date from your firm. At this time your company is in violation of the Missouri Hazardous Waste Management Regulations at 10 CSR 25-5.262 and 10 CSR 25-12.010.

Questions should be referred to Mary Williams at (573) 751-2919. Mail inquiries should be directed to the Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102

Check or money order is to be made payable to the Missouri Department of Natural Resources. Payment is due within 15 days from the date you receive this invoice. Accounts remaining unresolved will be referred to the Hazardous Waste Program Enforcement Section for further action. Send all payments and the section below to the following address:

MISSOURI DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE PROGRAM
P.O. BOX 477
JEFFERSON CITY, MO 65102

PLEASE RETURN THIS SECTION WITH PAYMENT

US DEPT OF ENERGY
5600 HOBBS RD (B)
WEST PADUCAH, KY 42086

EPA #: KY8890008982
MO #: 038874

2002

SUMMARY OF HAZARDOUS WASTE FEES & TAXES

Category Tax Due.....	\$0.00
\$1.00 Per Ton Generator Fee Due.....	\$0.00
\$25.00 Per Ton Land Disposal Tax Due.....	\$0.00
\$100.00 Registration Renewal Fee.....	\$100.00
TOTAL FEES AND/OR TAXES DUE.....	\$100.00

Failure to return this section may result in your account not being credited properly.

HENRY C. LIST
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

PADUCAH REGIONAL OFFICE
4500 CLARKS RIVER RD
PADUCAH KY 42003-0823
(270) 898-8468
September 11, 2003



SEP 15 AM 10:55

Sept 30

U.S. Department of Energy
Paducah Site Office
Attn: Mr. W. Don Seaborg
PO Box 1410
Paducah, KY 42002-1410

RE: ID# 21-145-00003
AJ# 3059

Dear Mr. Seaborg:

A review of the Division for Air Quality files for your facility has been completed and it has been determined that an Annual Compliance Certification for 2002 was not submitted by January 30, 2003, as required by regulation 401 KAR 52:020, Section 21. As a result of this non-compliance, the enclosed Notice of Violation is being issued at this time.

In order to correct the aforementioned violation, an Annual Compliance Certification for 2002 (form DEP 7007 CC) must be submitted to the DAQ Paducah Regional Office, DAQ Central Office, and EPA Region IV within 15 days of receipt of this correspondence. The certification form can be accessed through the NREPC website at <http://www.environment.ky.gov>.

If you have any questions, please contact me.

Sincerely,

Bill Clark

Bill Clark, Supervisor
Division for Air Quality

BC
enclosure



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COMMONWEALTH OF KENTUCKY -
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division for Air Quality
NOTICE OF VIOLATION

TO:

U.S. Department of Energy
Paducah Site Office
Attn: Mr. W. Don Seaborg
PO Box 1410
Paducah, KY 42002-1410

County: McCracken

This is to advise that you are in violation of the provisions cited below:

<u>Requirement</u>	<u>Subject Item</u>	<u>Description of Non-Compliance</u>
COMPLIANCE CERTIFICATION: The permittee shall certify compliance with the terms and conditions contained in this permit and shall submit compliance certification: Due annually, by the 30th of January to the Regional Office listed on the front of this permit. Compliance Certification Form (DEP 7007CC) (or an approved alternative) shall be used in accordance with the following requirements: a. Identification of each term or condition; b. The compliance status regarding each term or condition of the permit; c. Whether compliance was continuous or intermittent; and d. The method used for determining the compliance status for the source, currently and over the reporting period. e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit. f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the Regional Office listed on the front of this permit and the following addresses: U.S. EPA Region IV, Air Enforcement Branch, Atlanta Federal Center, 61 Forsyth St., Atlanta, GA 30303-8960; Division for Air Quality, Central Files, 803 Schenkel Lane, Frankfort, KY 40601, Division for Air Quality, Paducah Regional Office, 4500 Clarks river Road, Paducah, KY 42003. [401 KAR 52:020 Section 21]	AIOO0000003059	The source failed to submit the 2002 Annual Compliance Certification as required.

The required remedial measure(s), and date(s) to be completed by are as follows:

Remedial Measures

The source must complete and submit an Annual Compliance Certification for 2002 (form DEP 7007 CC) within 15 days of receipt of this notice. The certification must be submitted to the DAQ Paducah Regional Office, DAQ Central Office, and EPA Region IV.

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division for Air Quality
Paducah Regional Office
4500 Clarks River Road
Paducah, KY 42003
270/898/8468 (8:00 AM - 4:30 PM)
Bill Clark, Regional Supervisor

Issued By:

Bill Clark
Bill Clark, Regional Supervisor

Date: September 11, 2003

Issued By:

Date:

How Delivered: Certified Mail

Certified/Registered # 7000 1530 0003 2096 8402